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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/777,026	02/11/2004	Mark N. Kawaguchi	8033/ETCH	2197
55649 7590 12/26/2007 MOSER IP LAW GROUP / APPLIED MATERIALS, INC. 1030 BROAD STREET 2ND FLOOR SHREWSBURY, NJ 07702			EXAMINER TRAN, BINH X	
			ART UNIT 1792	PAPER NUMBER
			NOTIFICATION DATE 12/26/2007	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ATABOADA@MOSERIPLAW.COM
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**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/777,026

Applicant(s)

KAWAGUCHI ET AL.

Examiner

Binh X. Tran

Art Unit

1792

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 12 December 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:
- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
- Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN 6 MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) the date in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
- (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ They raise the issue of new matter (see NOTE below);
- (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.
- NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).
4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL -324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
- The status of the claim(s) is (or will be) as follows:
- Claim(s) allowed: _____.
- Claim(s) objected to: _____.
- Claim(s) rejected: _____.
- Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____.

*ADVISORY ACTION
BEFORE THE FILING OF AN APPEAL BRIEF*

Continuation of 11. does NOT place the application in condition for allowance because:

Respect to the finality of the rejection, the applicant argue that "this office action [mailed on 10/12/2007] should not be Final" because "the applicants did not amend the claims in the prior Response". The examiner disagrees. In the previous office action mailed on 10/12/2007, the examiner clearly indicated that the final rejection [mailed on 10/12/2007] REPLACED the previous final rejection [mailed on 7-27-2007]. When the examiner stated that the applicant's amendment necessitated the new ground of rejection, the examiner compared the amendment filed on 05/07/2007 with the previous amendment filed on 01-31-2007. It is clear from the record that the applicants amended at least the independent claims by insert new limitation "non -plasma" into the independent claim in order to overcome the examiner non-final rejection mailed on 02-13-2007. Since the applicant's amendment necessitated new ground of rejection, the finality of the rejection is proper.

Respect to the previous 35 USC 103(a) (i.e. Liu in view of Narwankar), the applicants argue that "Narwankar fails to teach or suggest subjecting an etched polysilicon (the workpiece of Liu) to such process". The examiner disagrees. Narwankar discloses the workpiece includes a patterned polysilicon electrode (206) made of polysilicon material. Further, since the polysilicon electrode (206) is a patterned electrode with a specific shape, it must be subjected to an etching process in order to form a specific shape. Further in Figure 4(c), Narwankar clearly discloses the gate electrode (408) is deposited and patterned (i.e. subject to etching process) (col. 10 lines 50 -55)

The applicants further argue that "Liu fails to teach or suggest that carbon is undesirably present on the polysilicon being treated to remove the halogen residues". The examiner strongly disagrees. Liu clearly teaches the present of photoresist and polymer sidewall after the polysilicon was etched. Liu further discloses the photoresist and polymer is undesirable and must be removed after the polysilicon is etched (col. 6). Photoresist material is an organic material, therefore it must contain carbon. All polymer material must comprise carbons. Therefore, the examiner maintains the Liu clearly teaches the present of carbon (from photoresist and/or polymer) is undesirably present on the polysilicon. Base on these information, the examiner still maintains the previous ground of rejection.

Binh X. Tran

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